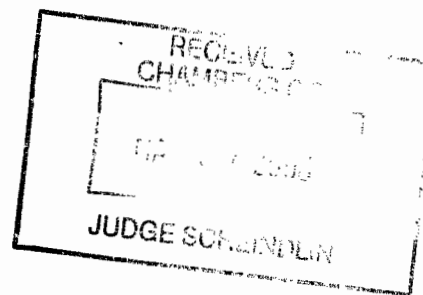




STATE OF NEW YORK  
OFFICE OF THE ATTORNEY GENERAL



ANDREW M. CUOMO  
Attorney General

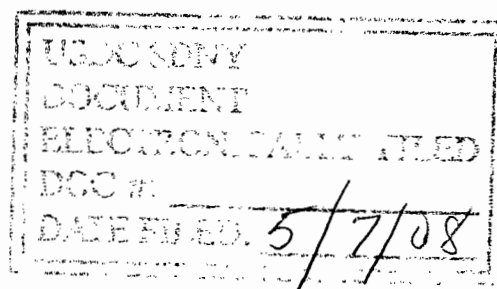
LESLIE G. LEACH  
Executive Deputy Attorney General  
Division of State Counsel

May 6, 2008

JUNE DUFFY  
Assistant Attorney General in Charge  
Litigation Bureau

By Hand Delivery to:

The Honorable Shira A. Scheindlin  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, New York 10007



Re: Percinthe v. Julien et al., 08-CV-0893 (SHS)(DFE)

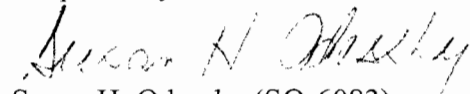
Your Honor:

I am an Assistant Attorney General in the Office of Andrew M. Cuomo, Attorney General of the State of New York. Defendants Julien and Grant, have been served and have requested representation by the Office of the Attorney General. My Office is currently in the process of determining whether that representation is appropriate. I write respectfully to request an extension of time for these defendants to answer or otherwise respond to the complaint in the above-referenced matter until July 8, 2008.

The extension is needed in order to afford plaintiff the opportunity to complete service as to defendants Almodoval and Rhoeme, who, to date, have not been served with the complaint. The docket sheet indicates that service was unsuccessfully attempted on defendant Almodoval, and defendants will attempt to ascertain why service was unsuccessful. A response to the complaint on behalf of the served defendants, Julien and Grant, would be due on May 8 and May 12, 2008, respectively. Once all defendants are served and have requested representation, the extension of time will allow my Office to determine whether representation is appropriate, and then to give the defendants time to review the complaint and any relevant documents in order for my Office to prepare a thorough response on their behalf. I have not sought the consent of plaintiff pro se, who is incarcerated because I wanted to make this request on behalf of defendants Julien and Grant forthwith. No previous request for an extension of time has been made in this matter. By making this request, I am not waiving any rights that the two defendants not yet served may have, including the right to raise the defense of lack of personal jurisdiction.

I thank the Court for its consideration in this matter.

Respectfully submitted,



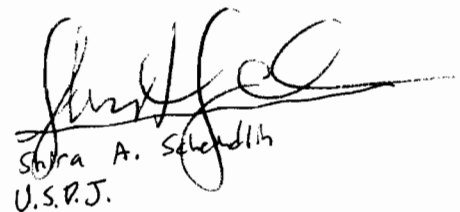
Susan H. Odessky (SO-6083)  
Assistant Attorney General

cc: Smith Percinthe, pro se plaintiff 03-A-3595  
Oneida Correctional Facility  
P.O. Box 4580  
6100 School Rd.  
Rome, NY 13442

Defendants' request is granted. Time for all defendants  
to respond to the Complaint is hereby extended to  
July 8, 2008.

Dated: New York, New York  
May 7, 2008

SO ORDERED:



Shyra A. Schendlin  
U.S.D.J.